IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

THURSDAY, THE THIRTIETH DAY OF DECEMBER
TWO THOUSAND AND FOUR

PRESENT

THE HON'BLE SRI JUSTICE L.NARASIMHA REDDY

WRIT PETITION NO : 24752 of 2004

Between:

K. Bhaskar Reddy, S/o. K. Thimma Reddy,
Naseeb Wines, Shop No. 273, D.No. 10-35, Station Road, Guntakal,
Anantapur District.

..... PETITIONER

AND

1 The Commissioner of Prohibition and Excise, Government of Andhra

Pradesh, Nampally, Hyderabad.
2 The Deputy Commissioner for Prohibition and Excise, Kurnool.
3 The Superintendent of Prohibition and Excise, Anantapur.
4 Md. Rafeeq, S/o Not known to the petitioner,
R/o. D.NO. 1/50 Station Road, Guntakal, Anantapur District.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court will be pleased to issue writ of mandamus or any other appropriate writ or direction directing the 1st respondent to consider the objections raised by the petitioner with regard to granting IL 17 licence in premises bearing D.No. 10/30 Station Road, Guntakal, Anantapur District in accordance with Rule 29 of the A.P. Indian Liquor and Foreign Liquor Rules and pass such other or further orders.

Counsel for the Petitioner: MR.O.MANOHER REDDY

Counsel for the Respondents 1 to 3: GP FOR PROHIBITION & EXCISE

The Court at the admission stage made the following ORDER:

Petitioner is the holder of IL 24 licence and had established a wine shop at Guntakal. The fourth respondent is said to have applied to respondents 1 to 3 for grant of licence in form IL 17 in premises bearing No. 10/30, Station Road, Guntakal, Anantapur district. The petitioner contends that the location where the bar is proposed to be established by the fourth respondent is within the prohibited distance from his shop. He claims to have made representations to respondents 1 to 3 pointing out his grievance. Apprehending that his representations/objections may not be taken into account while considering the application of the fourth respondent, he filed this writ petition.

Heard learned counsel for the petitioner and learned Government Pleader for Prohibition & Excise.

The question as to whether the location where the fourth respondent proposed to establish bar and restaurant after obtaining the licence in form IL 17 is within the prohibited distance from the shop of the petitioner, cannot be ascertained at this stage. Such aspects are governed by the relevant Rules framed under the A.P. Excise Act. The petitioner claims to have made representations dated 29.11.2004 and 03.12.2004 in this regard. There is no reason to believe that respondents 1 to 3 would not take the same into account while processing the application of the fourth respondent.

Hence, the writ petition is disposed of directing that respondents 1 to 3 shall take the representations said to have been made by the petitioner into account before granting any licence to the fourth respondent in form IL 17. There shall be no order as to costs.

30.12.2004

Note:

Issue CC in two days.

(BO)

ksld

To

1 The Commissioner of Prohibition and Excise, Government of Andhra

Pradesh, Nampally, Hyderabad.
2 The Deputy Commissioner for Prohibition and Excise, Kurnool.
3 The Superintendent of Prohibition and Excise, Anantapur.
4 2 CCs to the G.P. for Prohibition and Excise, High Court Buildings,

Hyderabad. (OUT)

5 2CD copies.